

Department of Neighborhood Housing and Property Improvement

Rules and Procedures (August 9, 2004)

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I. Introduction

There are two main reasons for having written rules and procedures. First, to put everyone on notice as to what the rules are and what is expected for compliance. In other words, we want the public to follow the rules. Second, our goal is to have consistent application of the rules by our staff so the public knows what to expect if the rules are not followed. In other words, we want our housing code inspectors to follow these rules.

At the outset it must be noted that the Department of Neighborhood Housing and Property Improvement is responsible for all residential single family homes and duplexes, both for interior and exterior, but only the exterior grounds and not building of commercial property. The Department is not responsible for interior of commercial structures and is not responsible for interiors of residential rental buildings containing 3 or more units. The latter is the responsibility of the Fire Department Certificate of Occupancy program. In April 2004 this department also became responsible for no dumping and no obstructions on the city's right-of-way.

Having said our goal is consistent application of these rules, it must be noted that it is not possible to have universal application of the housing code to every property, every day. We simply don't have enough inspectors or resources. If we issued a misdemeanor tag for every violation, every time, the court system would not be able to handle the volume.

This means there must be some discretion allowed our inspectors in applying these rules, to decide which cases to get to first, to decide which properties get the closest scrutiny, to sometimes attempt to achieve compliance in other ways than immediately issuing a work order or misdemeanor tag. Sometimes just a conversation with the property owner can achieve quick compliance.

In exercising this discretion, the Department of Neighborhood Housing and Property Improvement has established the following priorities:

1. Serious health and safety cases
2. Cleaning up "problem properties"
3. Garbage and nuisance violations
4. Falling down/dilapidated structures
5. Interior habitability has a higher priority than minor exterior violations
6. Structures with multiple violations get priority

These 6 priorities are not exhaustive, but reflect the type of cases we'll get to first and apply the highest scrutiny. By the end of the week we are usually able to get to all the other cases that have been called to our attention, such as fixing eaves, soffits, or repainting the porch.

Inherent in exercising this discretion, and in applying these priorities, it is not always possible to draw a bright line between where inspector discretion ends and consistent enforcement begins, but having a written set of rules, procedures and priorities is a good starting point. Please let me know your thoughts and comments.

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II. Basic Rules Regarding Property Exteriors*

1. Grass and weeds must be cut (8 inches is maximum height for lawns). Boulevard gardens generally must be under 36 inches but sometimes to allow for traffic safety the rule is 18 inches.
2. Sidewalks must be passable - no overhanging branches/bushes
- shoveled in the winter
3. There can be no accumulated garbage; no brush piles.
NOTE: Property owner is responsible for clean-up even if someone else dumped it.
4. Garbage only in proper containers with covers.
5. Clean-up all animal feces.
6. Remove all graffiti.
NOTE: Property owner is responsible even if someone else did the graffiti.
7. Cars that are not in a garage must be:
 - a) Properly licensed (no expired tabs over 90 days)
 - b) Operable and secure (no broken out windows)
 - c) Parked on approved surface (not grass)
8. Firewood must be: Elevated off the ground (not sit directly on the ground)
 Stacked no higher than 5 feet
 Stacked 10 feet away from house
9. No unreasonable exterior storage.
10. Compost must be properly composted and stored.
11. No stagnant standing water.
12. No rodent infestation.
13. No broken windows.
14. No dilapidated or dangerous fences, garages, sheds or structures.
15. Sidewalks and stairs must be safe.
16. No “attractive nuisances” - anything that kids could be attracted to and perhaps hurt.
17. No hazards: no open holes or wells
 no jagged pipes
 no open foundations
 no dangerous trees or limbs
 no abandoned refrigerators

* For complete list of our Rules, see St. Paul Legislative Code, Chapters 34 & 45, or get copy of the “St. Paul

III. Time Lines to Complete Work*

Large accumulation of rotting garbage**	0-24 hrs.
Hazardous waste **	0-24 hrs.
Anything deemed hazardous, potentially dangerous or a serious threat to the public health, welfare or safety**	0-24 hrs.
Drug Paraphernalia**	0-24 hrs.
Rotting animal carcass**	0-24 hrs.
Abandoned property accessible to children or conducive to illegal activity**	0-24 hrs.
A fallen tree or limb with potential of causing damage or harm**	0-24 hrs.
Structure that has collapsed or in threat of collapsing**	0-24 hrs.
Refrigerators, open containers, open holes, jagged pipes or something similar which could injure a child**	0-24 hrs.
Snow or ice on public sidewalks**	48 hours
Vehicles parked on unapproved surface (can only tag, not tow for this violation)	0-4 days
Open sewer connections, broken sewer pipes**	0-4 days
Garbage violations**	72 hours
Uncut tall grass and/or noxious weeds**	72 hours
Accumulated dog or other animal feces**	4 days
Unsecured, inoperable or dangerous vehicle**	4 days
Raw sewage**	4 days
Standing stagnant water**	4 days
Vermin or pest harborage and infestations**	4 days
Discarded appliances which do not pose a hazard**	4 days
Improper storage on the roof of a building**	4 days
Rubbish/junk/yard waste/brush piles/overgrown bushes, trees, vines, etc**	4-7 days
Broken doors, windows, railings, etc. on the exterior	4-7 days
Vehicles not currently licensed **	7-10 days
Unapproved compost storage **	7-10 days
Unapproved storage or excessive storage of materials and goods**	7-10 days
Unapproved piles of firewood **	7-10 days
Graffiti**	10 days
Deteriorated or dilapidated fences and accessory structures**	7-30 days
Unsound, deteriorated, dilapidated garages & outbuildings which are not hazardous**	7-30 days
Defective retaining walls, private sidewalks, walkways, stairs which are not hazardous**	7-30 days
Interior work generally.	1-30 days
All other exterior work, such as eaves, roofs, soffits, painting (generally 7-30 days, but depending upon the season up to 180 days- if we give a long compliance period, in some cases there will be a mid-point reinspection to make sure progress is being made so no extension will be necessary.)	7-180 days
Lack of approved ground cover	7-180 days

* These time lines were set with the following thoughts in mind. First, the law requires us to give the property owner a reasonable amount of time to complete the work depending upon the seriousness or danger of the situation. 72 hours, not including the day of inspection, is the minimum required by law, except when dangerous. Second, generally things that are due to the fault of the property owner (and should never have happened in the first place) are given a short compliance period, and things that are not due to the property owner’s fault (such as damage caused by tenants or trespassers), or things that require a contractor to be hired, are given a longer compliance period. The time lines are also based on the nature and severity of the violation. Basic life-safety violations and nuisance violations are given the shortest time possible.

** This item can be subject to a summary abatement. A Summary Abatement is used for anything that constitutes a nuisance and is where the City can send a work crew out to do the work if the property owner does not complete the work within the time line. Generally, summary abatements are allowed for things that can be removed or eliminated, but not for improvements, such as painting, etc.

IV. A. How will we use the new Excessive Consumption Fee Schedule and Rental Registration Revocation Ordinances

In November, 2003 the Saint Paul City Council passed two new ordinances: Sec. 34.08 regarding charging fees for excessive consumption of code inspection services and Chapter 51 regarding rental registration revocation. When using the two new ordinances, NHPI will be guided by the following internal policies:

A. Excessive Consumption

The primary objective of this ordinance is to establish a reinspection fee system that provides incentives for earliest possible compliance with the code and to recover departmental costs associated with extra-ordinary enforcement efforts that are required when an owner does not comply with an order in a timely manner. The following information explains both the fees and the policies associated with them. It is intended to help owners and the public understand the process. This should not be construed as a legal document.

Fee Schedule

Any Reinspection with full compliance	FREE
1 st reinspection without compliance	\$50
2 nd reinspection without compliance	\$75
3 rd reinspection without compliance	\$150
Subsequent reinspection without compliance	\$150
3 rd founded violation in 12 months	\$50
4 th founded violation in 12 months	\$75
Subsequent founded violation in 12 months	\$150

General Policy

1. A property is a candidate for an excessive consumption bill whenever:
 - a.) The property is not compliant at the time of reinspection (after finding a violation and giving a reasonable time to comply), or
 - b.) Within a 12 month period there is a third (or more) initial inspection where a violation is found, and a violation was found at each of the prior initial inspections.
2. This means we write-up every violation at the initial inspection (as opposed to waiting until the reinspection and calling it a second initial inspection.)
3. If we do find a new violation at a reinspection (i.e., one that didn't exist at the time of the first

initial inspection), then we treat this as a second initial inspection (as well as a reinspection on the 1st issue):

4. We will always wait a reasonable interval between inspections. Of course it depends upon the severity of the deficiency that needs correcting, but any interval of less than 2 weeks needs supervisor input. Letters must go out after each reinspection.
5. A reinspection of an order with interior and exterior violations may be chargeable even if interior violations were not reinspected provided the exterior violations were not corrected. If the exterior violations are corrected, it would not be a chargeable reinspection IF the inspector was unable to verify any interior corrections, unless the owner broke the appointment.
6. Even though a property is a candidate for excessive consumption, we will use discretion when charging for excessive consumption. These guidelines are to be used to determine whether to charge a reinspection fee. These are intended to be guidelines that will apply in typical situations. They are NOT intended to substitute for good judgment and common sense and are not a legal interpretation.
 - a.) Just because we're on a reinspection and there's non-compliance, that doesn't automatically mean we will send a bill -- we can grant extensions, and there can be reinspections with different compliance dates. If there are different compliance deadlines, and there's non-compliance both for the 1st deadline issue and the 2nd deadline issue, each starts with a \$50 bill (rather than the 2nd starting with a \$75 bill.)

In cases where there are multiple orders being reinspected at the same time for one building, the chargeable reinspections should be noted on one of the orders along with the comment. The underlying principle is that we should not charge more than once for the same reinspection even if it is for multiple orders and that we should make certain that we charge the reinspection fee when appropriate.

- b.) There will be situations where a property is a candidate for 2 bills. In these cases, the higher amount always overrides the lower amount. We never send 2 bills for the same inspection. For example: You go out on a reinspect and find non-compliance (\$50), but you also find a new deficiency and this is the fourth new deficiency within 12 months (\$75), then send the \$75 bill.
 - c.) Choose between Summary Abatement \$45.08 \$50.00 and Excessive Consumption \$50.00 (NOT BOTH!!) i.e. we could go to 2nd reinspection and skip Summary Abatement to save property owner cost of city work crew. But if the 2 prior summary abatements never resulted in a work order, then the 3rd in a year is an excessive visit. Also, a 1st or 2nd reinspection that resulted in a work order instead of an excessive consumption bill may still be considered excessive consumption later-on if the city work crew shows up and the violation is gone-on-arrival or done-by-owner.
 - d.) We can choose not to send a bill when there is a legitimate mid-stream change in ownership and the new owner is responsive.

If there is a documented change in ownership after chargeable reinspections, the charges for those reinspections stay with the property. The new owner should be informed by the

inspector of the charges, and that fact should be noted on the chronological. But the new owner can get his/her own two initials in 12 months without charge - provided it's a legitimate change in ownership.

- e.) We will generally not send a bill when
 - (i) It's a court-ordered reinspect for Tenant Remedies Action verification hearing or a legislative hearing officer ordered reinspect.
 - (ii) Routine vacant building inspection without finding violations.
 - (iii) Owner is seeking clarification or our opinion on progress (especially if substantial compliance)
 - (iv) We go on a trash complaint and find the problem "abated." This has to be treated as "unfounded" to avoid adding-up to three violations in a year. Ditto with regards to snow walks. This also means we can no longer enter "no action taken." It's either "founded" or "unfounded."
 - (v) It's tenant caused violations and landlord is responsive.
 - (vi) Reinspections on orders issued to occupants shall not be charged to the owner and are considered unrecouped costs.
 - 7. If we chose not to charge excessive consumption on a first non-compliant reinspection, but then found non-compliance on the second reinspection, the charge starts at \$75, not \$50.
 - 8. Supervisors can always waive an excessive consumption bill, especially if there's a hardship involved.
 - 9. Excessive Consumption is appealable at time of correction order/correction notice and at the time the City Council considers assessment. If a bill has already been sent and then the property owner wins an appeal on the original correction notice, then the supervisor will waive the bill.
 - 10. All bills unpaid after 30 days will be sent to Department of Financial Services to be assessed to the property owner's property taxes.
 - 11. If the property is a rental registration property and the bill is not paid within 30 days, this will trigger a Notice of Intent to Revoke Registration.
 - 12. We will keep paper and photo trail:
 - a.) We did wait until day after compliance deadline.
 - b.) If we are going to send an excessive consumption bill, then we need to take a photo of one of the violations at the time of the reinspection (or at the time of the initial inspection if a third deficiency in 12 months.)
 - c.) We did send confirming letter
- Regarding non-compliance = \$50.00
Next re-check = (Date)

And will cost = \$75.00

Regarding missed appointment
Etc.

B. Rental Registration

1. The ordinance allows us to send a Notice of Intent to Revoke Registration whenever there is:
 - a) 2nd non-compliant recheck
 - b) 4th founded violation in 12 months
 - c) 1st documented nuisance activity
 - d) any outstanding code violation
 - e) unpaid excessive consumption bill
2. We will exercise discretion on sending Notice of Intent to Revoke
 - a) Not when tenant caused

Except repeating tenant caused

Or because landlord not responsive
 - b) Because of staffing limitations, we will prioritize based on numerosity of problems and severity of problems.

Priority List
 - i) Tenant health and safety
 - ii) Problem Property
 - iii) Dilapidation
 - iv) Garbage/Rubbish
3. After sending the Notice of Intent to Revoke, the landlord will be given the opportunity to come up with an acceptable abatement plan prior to the City Council taking action on the revocation.
4. The Notice of Intent to Revoke is appealable to the City Council's Legislative Hearing officer.
5. The ordinance allows us to demand an interior inspection of a single family or duplex rental property whenever excessive consumption has occurred or rental registration has been revoked.

C. Landlord Notice

1. Inspectors should notify owners at all appropriate points in the process of the possibility of reinspection fees. Each time an inspector reinspects a property and finds non-compliance of an order, they should send out a letter to the owner stating that a reinspection was made and the violations still exist.
2. Always attempt to notify landlord in advance of interior inspection. (If they are in rental registration). Except that when it's a tenant requested inspection (as opposed to an excessive consumption triggered inspection), we will not notify the landlord in advance because of data privacy issues.
3. Always attempt to notify landlord once official problem property.

IV. B. When Do We Tag

A misdemeanor criminal tag can have serious penalties, up to \$1,000 fine and 90 days in jail. The St. Paul City Attorney and the Ramsey County District Court have agreed to treat our tags as serious offenses. In part V. there is a “Sanctions Schedule” that the Court will use in our cases.

It is important to remember that even though you may be given a certain amount of time to complete the work from an inspection, you can still be tagged for having the problem in the first place. The Judge may inquire if you have rectified the problem, but you still can be found guilty even though you cleaned it up.

Here are the situations when we will issue a misdemeanor tag:

1. When there is a prior history of code violations. If this is the second time we’ve had to write you a correction order or summary abatement within the past 2 years for the same or a similar problem, you may be tagged. If this is the third time we’ve had to write a correction order or summary abatement in the past 2 years, it doesn’t matter if it’s the same or a similar thing. If you are a landlord dealing with problem tenants and you are responsive to abatement orders, then you will not receive a tag even if it’s a second or third occurrence.*
2. When there has been non-compliance with a correction order – in the past, we issued a tag; now we will more likely charge excessive consumption instead. But we can do both.
3. When the violation is serious or egregious and future such problems must be deterred.
4. When the subject property or another property of your’s has been determined to be a “problem property.” we will issue tags regardless of past history or compliance. A problem property can be defined as where there are both building maintenance issues and nuisance behavior issues.
5. When you are caught up in a “sweep.” Every so often different neighborhoods will be flyer’d announcing that we will be doing a “sweep” in a few days. If you don’t take care of the problems within the time given for compliance, you will be tagged.
6. When your neighborhood is part of a community cleanup program and you ignore your neighbors request to voluntarily cleanup. (Good Neighbor Program, etc.)
7. Other specific situations that result in tags: we also issue tags for other violations of the city’s legislative code, such as
 - a) occupancy of a condemned building and/or occupying a vacant registered building
 - b) allowing occupancy of a condemned building
 - c) failure to register residential rental buildings with 1 or 2 units
 - d) failure to post ownership notice
 - e) failure to pay the annual vacant building fee

* It is a landlord’s defense to a misdemeanor tag if the landlord proves:

- a. There is a written lease provision that requires tenants to follow the provisions of state and local laws related to housing codes; and
- b. The landlord effectively communicated such a provision to the tenants; and
- c. The landlord took reasonable steps to discover any violations caused by the tenants; and
- d. The landlord effectively enforced the lease provisions when violations were discovered.

IV. C. What are

- (1) Corrections Orders/Correction Notices**
- (2) Work Orders**
- (3) Summary Abatement Orders**
- (4) Preauthorized Work Orders**
- (5) Emergency Abatement Procedures**

There are occasions when we will issue oral orders for minor problems. However, if this doesn't result in compliance then a tag or summary abatement will likely be the next step because you have already been put on notice.

- (1) A correction order or correction notice is different from a work order because a correction order cannot result in the city coming out and doing the work if you don't. Correction orders are issued when the problem to be addressed is not abateable under the legislative code. A correction order can result in a tag or an excessive consumption bill if non-compliance.
- (2) A work order is when the violation is abateable under the legislative code and constitutes a nuisance. The City will send a crew out to do the work for you at the end of the compliance time line if you haven't done it yourself. The city charges for this service. Work orders are most often issued at the time of re-inspection from an abatement order.
- (3) A summary abatement order is the first notice given to the property owner to abate the nuisance violation. Failure to comply will result in a work order.
- (4) A "pre-authorized work order" is when there will be no re-inspection. The city work crew is told to go to the property on the first day after the compliance period expires and do the work if it hasn't been done. Generally, a preauthorized work order is used whenever we issue summary abatements for tall grass/weeds or snow/ice.
- (5) Emergency Abatement Procedures allow us to take immediate action when there are critically dangerous conditions on private property, which, if not abated immediately, pose a serious threat to the health, safety and well-being of the community. A list of some of these conditions appear on our time lines page where we allow zero time to comply. The property owner is given the choice to take immediate action or have the city take immediate action.

IV. D. When Do We Give Extensions

An extension can be granted when there has been a good faith attempt to comply with the correction order, but circumstances beyond your control have kept you from completing the work. An extension may also be granted when you have made substantial progress on completing the work.

Always inform the tenant before giving any extension to a landlord on correcting deficiencies that were initiated by a tenant complaint. Keep these kind of extensions to a minimum.

Common reasons for granting an extension include:

- (1) Inability to comply due to health reasons or other family emergencies and you have a reasonable alternative plan for getting the work done.
- (2) Inability to comply due to the weather.
- (3) You've hired a contractor but the contractor has had a delay. We may give a short reasonable extension for this reason upon verification from the contractor confirming the delay.
- (4) Inability to comply due to lack of financial resources. We may give a short reasonable extension for this reason but only upon a reasonable belief that your financial situation will improve in the near future and a written agreement between the violator and inspector. A tag will be issued if non compliant at the end of the extension.

Common reasons for not granting an extension:

- (1) severity of the violation.
- (2) initial time was ample.
- (3) length of time owner knew of the violation.
- (4) history of property.
- (5) the effect on other agencies.
- (6) unlikely owner will comply even with extension.

All extensions must be in writing and the reason for the extension must appear in the "Inspector's notes" section of the inspection report.

IV. E. When Do We Deviate From These Rules

We will rarely, if ever, deviate on these rules. Time line extensions are not considered a deviation; we will grant extensions in accordance with extensions policy. A deviation is not tagging when these rules indicate a tag should be issued or starting with a different time line than these rules indicate.

The reason for any deviation on the time lines must be entered in the “inspector’s notes” section of inspection report and reported to inspector’s supervisor.

We will occasionally deviate on when we tag, when we do summary abatements and when we charge excessive consumption. Again, the reason for any deviation must be included in “inspector’s notes” and reported to supervisor.

If supervisory staff notice that we are having a significant amount of deviations, this may indicate that the rules need to be adjusted to reflect the circumstances of why we we’re deviating so much.

IV. F. When Do We Do “Field Finds”

A “field find” is when the inspector comes across a code violation while he/she is on another assignment. It is impossible to write up every “field find” because we will never get to our assigned work. The amount of “field finds” we write up depends upon our work load. If we have time to write up a “field find” we will. However, we will always write-up field finds when it is a dangerous condition, or serious situation, or a problem property, and we will usually write up “field finds” when there is a prior history of violations.

“Field finds” are also typical when we are on an inspection and we see the very same problem next-door or nearby.

Of course, when we do a “sweep” or when your neighborhood is part of a community clean-up program, then everything we find is written up.

IV. G. When Do We Condemn A Building

Whenever a structure is deemed dangerous or unfit for human habitation, we will order the structure vacated, sometimes immediately, but usually after a short compliance period has expired and the occupants are given 1 to 30 days to find alternative shelter. Condemnation occurs when life-safety violations exist, such as fire hazards, unsanitary conditions, severe rodent and pest infestation, lack of basic facilities, faulty construction or dilapidation.

If principal violations are corrected prior to the vacation date, the order to vacate will be lifted.

If principal violations are corrected after the vacate date, once corrected the dwelling can be reoccupied.

IV. H. When do we bring a TRA (Tenant Remedy Action) Case

A TRA may be brought in District Court in the case of landlord - tenant properties where the following conditions have been met:

1. An inspection has been made,
2. The time granted in the repair order has expired, and
3. Satisfactory repairs to remove the violations have not been made.

Another factor to look at is whether we have attempted to gain compliance through a tag. If we have tagged a property with no success, we should think about using a TRA to gain compliance. The point is that we should use TRAs to gain compliance on the properties that have caused long standing frustration to inspectors and to force landlords to make necessary repairs.

We should also use the TRA strategy as an alternative to condemnation and ordering tenants to vacate. Whenever you have a landlord-tenant property heading towards condemnation or actually condemned a TRA case will be considered.

Some of the additional criteria our office will consider in deciding whether to pursue a TRA action include the following:

- Does the property present a livability issue to the City?
- Does the condition of the property have a negative impact on the residents of the property or the neighborhood?
- Have neighbors or neighborhood groups complained about the property?
- Does the property present a health and safety issue?
- Does the owner have a history of violations, consistently fail to remedy violations, or own other problem properties in the City?

Remember there is no requirements that all of these criteria be present at any given time—only that one or more of these criteria are present and then the property can be considered and looked at more closely to determine whether a TRA is appropriate.

V. Sanction Schedule

HOUSING COURT SANCTION SCHEDULE	
Offense	Recommended Sentence
1 st Offense no priors w/in 3 years Compliance before arraignment	Agreement to Suspend Prosecution (ATSP) \$60.00 court costs \$40.00 prosecution surcharge
1 st Offense no priors w/in 3 years No compliance before court	ATSP Comply w/in 30 days \$100.00 court costs \$100.00 surcharge
1 st Offense no priors no compliance by court ordered return date	Above ATSP vacated Misdemeanor: 90 days and \$1,000 \$300.00 fine
2 nd Offense 1 prior w/in 3 years Compliance before arraignment	Misdemeanor w/Stay of Imposition \$200.00 fine No same or similar
2 nd Offense w/in 3 years No compliance before arraignment	Misdemeanor w/Stay of Imposition Compliance w/in 30 days No s/s \$400.00 fine
2 nd Offense w/in 3 years No compliance by return date	Misdemeanor 90 days and \$1,000 \$500.00
3 rd Offense w/in 3 years	Misdemeanor 90 days and \$1,000 \$700.00 fine plus jail time Community Impact Panel